



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20501
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,436	05/24/2001	Jeroen Augustijn	0459-0609P	9799

2292 7590 01/16/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

DINH, TUAN T

ART UNIT

PAPER NUMBER

2827

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,436

Examiner

Tuan T Dinh

Applicant(s)

AUGUSTIJN ET AL.

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 22-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

The drawings are objected to because "magnetic housing 20 and a subassembly do not shown in any figures of the drawings, the element comprising two input/output terminals, claim 19, line 2, etc.... A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 13 is objected to because of the following informalities:

Claim 13, line 3, change "a projection" to --the projections--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14, 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. The specification is silent regarding:

"...element comprises two input/output terminals", claims 19, line 2, "sub-assembly", claim 14, line 1, None of the drawings is described or teach the structure of the sub-assembly or the input/output terminal.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 14-19, 21, 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlson et al. (U. S. Patent 3,935,398).

Regarding claims 1-4, 14-17, Carlson, see figures 1-6, discloses an electro-acoustic transducer assembly (11, column 1, lines 36-37) comprising:

an electro-acoustic element (coil 23, column 1, line 51) for receiving an electrical signal and covering it to an audio signal or for receiving an audio signal and covering it to an electrical signal;

a housing (13, column 1, line 37);

the electro-acoustic element (coil 23) being positioned within the housing (see figure 1);

the housing comprising an opening (27, column 1, line 52) at an inner surface thereof; the electro-acoustic transducer assembly (11) further comprising first and

second projections (leads 25, column 1, line 51) being attached and electrically connected to the electro-acoustic element, the first projecting being introduced into the opening (17) when the electro-acoustic element (23) is positioned within the housing.(13).

Regarding claim 5, Carlson, see figures 1-6, discloses the electro-acoustic element (23) is enclosed within a container (arms 65, 67), the first projecting (25) being provided at a surface thereof.

Regarding claim 6, Carlson, see figures 1-6, discloses the container comprising a material wherein the electric-acoustic element is at least partly cast-in.

Regarding claim 7, Carlson, see figures 1-6, discloses the first projection (25) is displaceable in relation to the electro-acoustic element.

Regarding claim 8, Carlson, see figures 1-6, discloses the electro-acoustic element (23) and the first projection 2(5) to be snap-fitted into the housing (13), the snap-fitting being performed by the displaceable first projection and the opening (27) of the housing (13) in combination.

Regarding claim 9, Carlson, see figures 1-6, discloses the electro-acoustic element comprises a coil (23) comprising at least one coiled electrical conductor having two ends and wherein the first projection is connected to one of the ends of the coil (23).

Regarding claim 10, Carlson, see figures 1-6, discloses the electro-acoustic element(coil 23) is loudspeaker (see column 1, lines 5-8).

Regarding claim 11, Carlson, see figures 1-6, discloses a mobile device, the mobile device being a hearing aid or a mobile telephone (column 1, lines 5-15).

Regarding claims 18, 19, Carlson, see figures 1-6, discloses the assembly (11) comprising: an electro-acoustic element (23); a housing (13);

the electro-acoustic element (23) being positioned within the housing, the housing comprising: an opening (27) at an inner surface thereof;

wherein electrical input/output terminals (25) is introduced into the opening when the electro-acoustic element positioned within the housing (13).

Regarding claim 21, Carlson, see figures 1-6, discloses an electro-acoustic transducer assembly (11) comprising: an electro-acoustic element (23) and a housing (13), the electro-acoustic element (23) being positioned within the housing (13), the housing (13) comprising two plugs (25) at an outer surface thereof, the two plugs being electrically connected to the electro-acoustic when the electro-acoustic element (23) positioned within the housing (13).

Regarding claims 29-31, Carlson, see figures 1-6, discloses the assembly (11) comprising:

an electro-acoustic element (23) and a housing (13);

the electro-acoustic element (23) being positioned within the housing (13), the housing 13 comprising two openings (27) at an inner surface thereof, the electro-acoustic transducer assembly (11) further comprising first and second projections (25) forming part of the electro-acoustic element (23), the projections (25) being adapted to be introduced into the openings when the electro-acoustic element a positioned within the housing (13).

Regarding claim 32, Carlson, see figures 1-6, discloses the electro-acoustic element is a loudspeaker (column 1, lines 5-15).

Regarding claim 33, Carlson, see figures 1-6, discloses a mobile device, the mobile device being a hearing aid or a mobile telephone (column 1, lines 5-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ('398) in view of Khanna (U. S. Patent 4,691,363).

Carlson discloses all of the limitations of the claimed invention, except for a carrier comprising two electrical paths, and each of said paths being electrical connected to the terminals (or the projections).

Khanna does show a transducer device (10) disclosed in figures 1-6 comprising a carrier (wiring board-150) having two electrical paths (155-157), and the path (155-157) being electrically connected to terminal or projections (44, 50a, 50b).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a transducer device having terminals being electrical connected to paths of a carrier as taught by Khanna to employ the assembly of Carlson

in order to provide a strong durable and reliable mechanical coupling between the device and the carrier such as type of the circuit board.

Response to Arguments

Applicant's arguments with respect to claims 1-21 and 29-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
January 09, 2003.


DAVID L. TALBOTT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800